

ESTTA Tracking number: **ESTTA733271**

Filing date: **03/14/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Human Touch, LLC
Granted to Date of previous extension	03/23/2016
Address	3030 WALNUT AVENUE Long Beach, CA 90807 UNITED STATES
Attorney information	THOMAS DOVER NOSSAMAN LLP 777 SOUTH FIGUEROA ST. 34th FL Los Angeles, CA 90017 UNITED STATES TMFiling@nossaman.com Phone:213.612.7879

### Applicant Information

Application No	86169627	Publication date	11/24/2015
Opposition Filing Date	03/14/2016	Opposition Period Ends	03/23/2016
Applicant	Srou Ikey 495 Flatbush Ave brooklyn, NY 11225 UNITED STATES		

### Goods/Services Affected by Opposition

Class 009. First Use: 2013/12/01 First Use In Commerce: 2013/12/01

All goods and services in the class are opposed, namely: Bags and cases specially adapted for holding or carrying portable telephones and telephone equipment and accessories; Batteries and battery chargers; Battery cases; Battery charge devices; Battery chargers; wireless cellular phone headsets; wireless indoor and outdoor speakers; Carrying cases for cell phones; Carryingcases for radio pagers; Carrying cases specially adapted for pocket calculatorsand cellphones; Cases for mobile phones; Cases for telephones; Cell phone backplates; Cell phone battery chargers for use in vehicles; Cell phone battery chargers; Cellular phone accessory charms; Chargers for batteries; Chargers for electric batteries; electric charging cables for mobile devices; Decorative charms for cellular telephones; Decorative ornaments for cellular telephones; Head-clip cell phone holders; Leather protective covers specially adapted for personal electronic devices, namely, cell phones, tablet computer; Protective cases for cell phones, laptops and portable media players; Vinyl covers specially adapted for cell phones, laptops, computers, portablesatellite radios, personal digital assistants, remote controls


### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Dilution by blurring	Trademark Act section 43(c)
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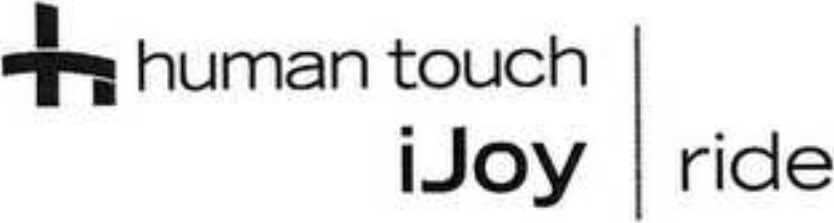
## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2949635	Application Date	07/29/2002
Registration Date	05/10/2005	Foreign Priority Date	NONE
Word Mark	IJOY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2003/04/00 First Use In Commerce: 2003/05/00 ELECTRIC BACK MASSAGE APPARATUS		

U.S. Registration No.	3915199	Application Date	02/09/2007
Registration Date	02/01/2011	Foreign Priority Date	NONE
Word Mark	HT HUMAN TOUCH IJOY		
Design Mark			
Description of Mark	The mark consists of the letters "h", "t" combined together (to form a chair), along with the words "human touch" and "iJoy". The color orange appears in the horizontal crossbar (protruding seat portion) and in the lower portion of the rear vertical bar (rear leg) of the hybrid chair and letter design. The color gray appears in the upper portion of the rear vertical bar (back rest portion) and in the front vertical bar (front leg) of the hybrid chair and letter design and in the wording "human touch" and "iJoy".		
Goods/Services	Class 010. First use: First Use: 2009/05/01 First Use In Commerce: 2009/08/01 MASSAGE CHAIRS; ELECTRIC VIBRATING MASSAGERS; ELECTROMECHANICAL MASSAGE MECHANISMS FOR CHAIRS; ELECTROMECHANICAL MASSAGERS IN BACKREST CUSHIONS FOR CHAIRS Class 020. First use: First Use: 2008/05/01 First Use In Commerce: 2008/08/01 FURNITURE Class 028. First use: First Use: 2008/05/01 First Use In Commerce: 2008/08/01 EXERCISE EQUIPMENT, NAMELY, BALANCING BOARDS AND ABDOMINAL BALANCE TRAINING DEVICES		

U.S. Registration No.	3752733	Application Date	10/03/2007
Registration Date	02/23/2010	Foreign Priority Date	NONE

Word Mark	HUMAN TOUCH IJOY BOARD
Design Mark	
Description of Mark	The mark consists of a design (the letters 'h' and 't' combined together to form a chair) followed by the words "humantouch" followed by the words "iJoy" and "board" separated by a design line.
Goods/Services	Class 028. First use: First Use: 2008/02/01 First Use In Commerce: 2008/08/01 ELECTROMECHANICAL EXERCISE MACHINES

U.S. Registration No.	3673657	Application Date	10/03/2007
Registration Date	08/25/2009	Foreign Priority Date	NONE
Word Mark	HT HUMAN TOUCH IJOY RIDE		
Design Mark			
Description of Mark	The mark consists of a design (the letters "h" and "t" combined together to form a chair) followed by the words "human touch" followed by the words "iJoy" and "ride" separated by a design line.		
Goods/Services	Class 028. First use: First Use: 2006/04/00 First Use In Commerce: 2006/08/00 ELECTROMECHANICAL EXERCISE APPARATUS, NAMELY, BALANCE BOARDS		

Attachments	77980996#TMSN.png( bytes ) 77295349#TMSN.png( bytes ) 77295315#TMSN.png( bytes ) IJOY _ NOTICE OF OPPOSITION.pdf(130457 bytes ) IJOY Opposition _ Exhibit A.pdf(847609 bytes ) IJOY Opposition _ Exhibit B.pdf(1843648 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/THOMAS DOVER/
Name	THOMAS DOVER
Date	03/14/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 86/169,627  
Published in the Official Gazette on November, 24, 2015  
For the mark IJOY

HUMAN TOUCH, LLC,

Opposer,

v.

SROUR IKEY,

Applicant.

Opposition No. \_\_\_\_\_

UNITED STATES PATENT AND TRADEMARK OFFICE  
COMMISSIONER FOR TRADEMARKS  
P.O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**

Human Touch, LLC, a limited liability company organized and existing under the laws of the State of Delaware, (hereinafter "Opposer") believes it is or will be damaged by registration on the Principal Register of the mark IJOY, shown in Application Ser. No. 86/169,627, and hereby opposes the same.

As grounds of opposition it is alleged that:

1. Opposer is a world renowned premiere manufacturer and seller of and a recognized leader in the fields of massage chairs, electric massage chairs, massage apparatus, electric massage apparatus, furniture and electronic exercise equipment products. Among Opposer's most iconic brands is the mark IJOY.

2. Opposer is now and has for many years been engaged in the development, marketing, advertising, distribution and sales of massage chairs, electric massage chairs, massage apparatus, electric massage apparatus, furniture and electronic exercise equipment products, throughout the United States and worldwide.
3. Opposer is the owner of several U.S. Trademark Registrations, including Reg. No. 2949635 for the mark IJOY, for use in connection with “electric back massage apparatus” in International Class 10, Reg. No. 3915199 for the mark HT HUMAN TOUCH IJOY (& Design), for use in connection with, *inter alia*, “massage chairs; electric vibrating massagers; electromechanical massage mechanisms for chairs; electromechanical massagers in backrest cushions for chairs” in International Class 10, Reg. No. 3752733 for the mark HT HUMAN TOUCH IJOY BOARD (& Design), for use in connection with “electromechanical exercise machines” in International Class 28, and Reg. No. 3673657 for the mark HT HUMAN TOUCH IJOY RIDE (& Design), for use in connection with “electromechanical exercise apparatus, namely, balance boards” in International Class 28 (hereinafter, the “IJOY Registrations”). Printouts from the United States Patent and Trademark Office’s online database reflecting the registrations identified above are attached as Exhibit A and are made part of the record in these proceedings.
4. All of the IJOY Registrations are valid, subsisting, and in full force and effect, and serve as *prima facie* evidence of Opposer’s ownership of the listed marks and its exclusive right to use each of the marks. In addition, Opposer’s IJOY Mark, Reg. No. 2949635, is incontestable as to the goods identified in the registration,

meaning that the registration is conclusive evidence of Opposer's exclusive right to the registered mark in commerce on or in connection with the goods stated in the registration, as provided by Section 33(b) of the Lanham Act, 15 U.S.C. § 1115(b).

5. In addition, Opposer is the owner of several foreign trademark registrations incorporating the mark IJOY, including the following:

<u>Country</u>	<u>Mark</u>	<u>Reg. No.</u>	<u>Date of Reg.</u>	<u>Goods/Services</u>
Australia	IJOY	1142081	10/19/2006	Massagers Message Chairs
Canada	IJOY	TMA706640	2/6/2008	Electric back massage apparatus
Canada	IJOY LIVE.PLAY. RELAX. (& Design)	TMA701665	11/26/2007	Massage chairs
European Union	IJOY	003285781	11/17/2004	Electric back massage apparatus
European Union	iJoy LIVE.PLAY. RELAX.	004753935	12/15/2006	Massage chairs
European Union	iJoy ride LIVE.PLAY. RELAX.	004542601	5/22/2008	Electromechanical exercise apparatus

European Union	iJoy stretch LIVE.PLAY. RELAX.	004542635	7/14/2005	Massagers
European Union	iJoy vibe LIVE.PLAY. RELAX.	004542676	7/7/2006	Hand held massager
Japan	IJOY	5083631	10/12/2007	Massager, chair-type household electric massager

All of the listed registrations are valid, subsisting and in full force and effect, and serve as *prima facie* evidence of Opposer's ownership of the listed marks and its exclusive right to use each of the marks in the respective jurisdictions. Printouts of the registration certificates reflecting the registrations identified above are attached as Exhibit B and are made part of the record in these proceedings.

6. Since at least as early as May 2003, more than ten (10) years prior to the December 1, 2013 first-use date alleged in Applicant's in-use application, Serial No. 86/169,627, opposed herein, Opposer has continuously used the mark IJOY (hereinafter, the "IJOY Mark") in U.S. interstate commerce on or in connection with electric massage apparatuses.
7. Opposer's marks, including IJOY, HT HUMAN TOUCH IJOY (& Design), HT HUMAN TOUCH IJOY BOARD (& Design), HT HUMAN TOUCH IJOY RIDE (& Design), IJOY LIVE.PLAY.RELAX., IJOY RIDE LIVE.PLAY.RELAX., IJOY STRETCH LIVE.PLAY.RELAX., IJOY VIBE LIVE.PLAY.RELAX., and

- IJOY LIVE.PLAY.RELAX. (& Design) (collectively hereinafter, the “IJOY Marks”) have become valuable assets of Opposer, identifying its electric massage apparatus, furniture and electromechanical exercise equipment, and distinguishing such goods from the goods and services of others.
8. The gross revenue received from Opposer’s U.S. sales of products bearing the IJOY Marks totals in excess of \$2 million annually.
  9. Opposer’s products under the IJOY Marks are sold in all fifty states in the U.S., as well as via the Internet.
  10. Opposer’s IJOY branded products are sold in Opposer’s own, free-standing retail stores in the U.S., as well as third party department stores, specialty stores, novelty stores, malls and kiosks throughout the United States. In addition, Opposer’s IJOY branded products are sold online, through Opposer’s own website, as well as numerous online retailers, including, but not limited to, Amazon.com, Ebay.com, Walmart.com, SharperImage.com, Rakuten.com and Wayfair.com.
  11. The IJOY Marks are well-known by consumers throughout the country. In addition to the IJOY Marks’ reproduction on tens of millions of dollars worth of products sold in the U.S. alone, Opposer spends nearly \$100,000 annually on U.S. advertising and marketing efforts, featuring the IJOY Marks, which are seen throughout the country.
  12. Opposer’s IJOY Marks have been extensively advertised in the United States and worldwide, and have appeared and been used in connection with the sale of electric massage apparatus, electric massage chairs, massage chairs and



electromechanical exercise equipment throughout the United States and worldwide.

13. By virtue of the use and promotion of its IJOY Marks for over a decade, the extensive use of the IJOY Marks and the sale and promotion of products under the IJOY Marks, the term IJOY has come to be recognized as identifying products finding their origin exclusively in or otherwise associated with Opposer, is distinctive of Opposer's goods, and has come to represent the enormous goodwill of Opposer.

14. By virtue of its registrations for and use of the IJOY Marks, Opposer has standing to bring this opposition.

15. On November 24, 2015, Applicant, Srou Ikey ("Applicant") filed U.S. Trademark Application Serial No. 86/169,627 for the mark IJOY for use in connection with "Bags and cases specially adapted for holding or carrying portable telephones and telephone equipment and accessories; Batteries and battery chargers; Battery cases; Battery charge devices; Battery chargers; Wireless cellular phone headsets; wireless indoor and outdoor speakers; Carrying cases for cell phones; Carrying cases for radio pagers; Carrying cases specially adapted for pocket calculators and cellphones; Cases for mobile phones; Cases for telephones Cell phone backplates; Cell phone battery chargers for use in vehicles; Cell phone battery chargers; Cellular phone accessory charms; Chargers for batteries; Chargers for electric batteries; Electric charging cables for mobile devices; Decorative charms for cellular telephones; Decorative ornaments for cellular telephones; Head-clip cell phone holders; Leather protective covers

- specially adapted for personal electronic devices, namely, cell phones, tablet computers; Protective cases for cell phones; laptops and portable media players; Vinyl covers specially adapted for cell phones, laptops, computers, portable satellite radios, personal digital assistants, remote controls" in International Class 9, based on its alleged use of such mark in commerce.
16. According to the USPTO records, Applicant is an individual with a mailing address of 495 Flatbush Ave., Brooklyn, New York 11225.
  17. Applicant's alleged goods are closely related to Opposer's goods as listed in Opposer's IJOY Registrations.
  18. Applicant's use and registration of the mark IJOY, which is identical to Opposer's IJOY Mark, for the goods identified in Application Serial No. 86/169,627, will damage Opposer by creating a likelihood of confusion, mistake or deception among consumers, and is likely to lead to the mistaken belief that Applicant's goods are sponsored by, affiliated with, approved by or otherwise emanate from Opposer.
  19. Applicant's use and registration of the mark IJOY, which is identical to Opposer's IJOY Mark, for the goods identified in Application Serial No. 86/169,627, will damage Opposer by diluting the distinctive quality of Opposer's marks.
  20. Application Serial No. 86/169,627 for the trademark IJOY was published for opposition on November 24, 2015.
  21. Opposer timely filed an extension of time to Oppose the mark on December 21, 2015.
  22. Opposer timely filed the instant opposition.

Priority and Likelihood of Confusion, 15 U.S.C. §1052(d)

23. Opposer repeats and re-alleges each and every allegation contained in paragraphs 1-23, inclusive, as if fully recited in this paragraph.
24. Applicant's alleged priority date of December 1, 2013, for Application Serial No. 86/169,627 falls more than ten (10) years after Opposer's first use of the IJOY Mark in U.S. commerce, at least as early as May, 2003, and more than eleven (11) years after Opposer's priority filing date of Reg. No. 2949635 on July 29, 2002.
25. On information and belief, Applicant does not have any basis for claiming rights in the mark IJOY prior to the alleged first-use in commerce date of Application Serial No. 86/169,627 on December 1, 2013.
26. On information and belief, Applicant does not have any basis for claiming rights in the mark IJOY prior to Opposer's first use of the IJOY Mark in U.S. commerce, at least as early as May, 2003.
27. On information and belief, Applicant does not have any basis for claiming rights in the mark IJOY prior to Opposer's priority filing date of its intent-to-use application for the IJOY Mark, Reg. No. 2949635, on July 29, 2002.
28. Opposer has priority of use of the mark IJOY based on Opposer's earlier use of the mark in commerce, which predates the alleged first-use in commerce date of Applicant's Application, Serial No. 86/169,627.

29. Opposer has priority of use of the mark IJOY based on Opposer's earlier priority filing date of Reg. No. 2949635 on July 29, 2002, which predates the alleged first-use in commerce date of Applicant's in-use application, Serial No. 86/169,627.
30. Applicant's alleged mark IJOY is identical to Opposer's IJOY Mark, and is likely, when applied to Applicant's alleged goods, to cause confusion, mistake or deception among purchasers, users, and the public, thereby damaging Opposer.
31. The goods for which Applicant alleges use of the mark IJOY are similar to, will be advertised and promoted to and directed at the same marketing and trade channels, and the same consumers, as Opposer's goods.
32. Applicant's alleged goods fall within Opposer's natural scope of expansion for its electronic massage apparatus, massage chairs, furniture and electronic exercise equipment.
33. Many of Applicant's alleged goods, including, but not limited to, "batteries", "battery chargers", "battery charge devices", "chargers for electric batteries" and "remote controls" are complementary goods to the goods listed in Opposer's IJOY Registrations.
34. Batteries, battery chargers, battery charge devices, chargers for electric batteries and/or remote controls are required for use in connection with many of Opposer's goods, are found in the same stores as Opposer's goods, and are routinely used and purchased together with Opposer's goods by the consuming public.
35. Simultaneous use of Applicant's alleged mark IJOY, for the goods set forth in Application Serial No. 86/169,627, and Opposer's IJOY Marks, for the goods set

- forth above in the IJOY Registrations, is likely to cause confusion, mistake or deception among purchasers, users, and the public, thereby damaging Opposer.
36. Use by Applicant of the mark IJOY for the goods set forth in Application Serial No. 86/169,627 is likely to lead to the mistaken belief that Applicant's goods are sponsored by, affiliated with, approved by or otherwise emanate from Opposer, when that is not the case, thereby damaging Opposer.
37. Upon information and belief, Applicant knew or should have known of Opposer's prior adoption and use of its IJOY Marks, and therefore could not have formed the requisite good faith belief that Applicant is the owner of the mark sought to be registered, and that no other person, firm, corporation or association has the right to use said mark in commerce, and consequently knew that such use is and would be in derogation and violation of Opposer's rights.
38. Opposer will be damaged if Applicant's application, Serial No. 86/169,627, is allowed to register in that such registration will support and assist Applicant in the infringing use of the mark, and will give colorable exclusive statutory rights to Applicant or a potential assignee in violation and derogation of the prior and superior trademark rights of Opposer.

Dilution, 15 U.S.C. §1125(c)

39. Opposer repeats and re-alleges each and every allegation contained in paragraphs 1-38, inclusive, as if fully recited in this paragraph.
40. Opposer's IJOY Marks are famous and well-known throughout the United States, having been used, advertised and publicized extensively throughout this country for over a decade.

41. Opposer's IJOY Marks are inherently distinctive, have become associated exclusively with Opposer by reason of Opposer's extensive advertising and use of the marks for over a decade on or in connection with a variety of electronic massage apparatus, electronic exercise equipment, massage chairs and furniture products, are the subject of numerous federal trademark registrations, and are widely recognized by the general consuming public as a designation of source of Opposer's goods.

42. Through extensive use and promotion, Opposer's IJOY Marks are famous as defined under Section 43(c)(1) of the Lanham Act, as amended, 15 U.S.C. §1125(c)(1).

43. Opposer's IJOY Marks became famous before Applicant's December 1, 2013 alleged date of first use, and its November 24, 2015 filing date.

44. Applicant's mark is identical to Opposer's IJOY Mark.

45. Applicant's mark so resembles Opposer's famous IJOY Marks that it is likely to dilute the distinctive quality of Opposer's IJOY Marks under Section 43(c) of the Lanham Act, as amended, 15 U.S.C. §1125(c).

46. By reason of the foregoing, Opposer is likely to be harmed by the registration of the opposed application for the mark IJOY, shown in Application Ser. No. 86/169,627.

WHEREFORE, Opposer requests that registration of the mark sought to be registered herein, IJOY of Application Ser. No. 86/169,627, be denied and that this opposition be sustained.

///

Respectfully Submitted,

Dated: March 14, 2016

By       /THOMAS DOVER/

Thomas Dover  
Michael W. Schroeder  
Nossaman LLP  
777 South Figueroa Street, 34<sup>th</sup> Floor  
Los Angeles, CA 90017  
(213)-612-7861  
Attorneys for Opposer,  
Human Touch, LLC

**PROOF OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **NOTICE OF OPPOSITION** has been served on Michael J. Feigin, counsel for the current owner of Application Serial No. 86/169,627 as listed in the USPTO database, on March 14, 2016, via First Class U.S. Mail, postage prepaid to:

MICHAEL J. FEIGIN  
FEIGIN & ASSOACIATES, LLC  
1037 RT. 46 E, SUITE 107  
CLIFTON, NEW JERSEY 07013

/THOMAS DOVER/

THOMAS DOVER



# **EXHIBIT A**

**Int. Cl.: 10**

**Prior U.S. Cls.: 26, 39, and 44**

**Reg. No. 2,949,635**

**United States Patent and Trademark Office**

**Registered May 10, 2005**

**TRADEMARK  
PRINCIPAL REGISTER**

**IJOY**

INTERACTIVE HEALTH, LLC (CALIFORNIA  
CORPORATION)  
3030 WALNUT STREET  
LONG BEACH, CA 90807

FIRST USE 4-0-2003; IN COMMERCE 5-0-2003.

SN 78-148,559, FILED 7-29-2002.

FOR: ELECTRIC BACK MASSAGE APPARATUS,  
IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

KARLA PERKINS, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office



**Reg. No. 3,915,199**

**Registered Feb. 1, 2011**

**Int. Cls.: 10, 20, and 28**

**TRADEMARK**

**PRINCIPAL REGISTER**

HUMAN TOUCH, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
3030 WALNUT AVENUE  
LONG BEACH, CA 90807

FOR: MASSAGE CHAIRS; ELECTRIC VIBRATING MASSAGERS; ELECTROMECHANICAL MASSAGE MECHANISMS FOR CHAIRS; ELECTROMECHANICAL MASSAGERS IN BACKREST CUSHIONS FOR CHAIRS, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 5-1-2009; IN COMMERCE 8-1-2009.

FOR: FURNITURE, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 5-1-2008; IN COMMERCE 8-1-2008.

FOR: EXERCISE EQUIPMENT, NAMELY, BALANCING BOARDS AND ABDOMINAL BALANCE TRAINING DEVICES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 5-1-2008; IN COMMERCE 8-1-2008.

OWNER OF U.S. REG. NOS. 2,949,635, 3,182,844, AND OTHERS.

THE COLOR(S) ORANGE AND GRAY IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE LETTERS "H", "T" COMBINED TOGETHER (TO FORM A CHAIR), ALONG WITH THE WORDS "HUMAN TOUCH" AND "iJOY". THE COLOR ORANGE APPEARS IN THE HORIZONTAL CROSSBAR (PROTRUDING SEAT PORTION) AND IN THE LOWER PORTION OF THE REAR VERTICAL BAR (REAR LEG) OF THE HYBRID CHAIR AND LETTER DESIGN. THE COLOR GRAY APPEARS IN THE UPPER PORTION OF THE REAR VERTICAL BAR (BACK REST PORTION) AND IN THE FRONT VERTICAL BAR (FRONT LEG) OF THE HYBRID CHAIR AND LETTER DESIGN AND IN THE WORDING "HUMAN TOUCH" AND "iJOY".

SN 77-980,996, FILED 2-9-2007.

KATHERINE CONNOLLY, EXAMINING ATTORNEY



*David S. Kyros*

Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office



**Reg. No. 3,752,733** HUMAN TOUCH, LLC (DELAWARE LIMITED LIABILITY COMPANY), FORMERLY  
Registered Feb. 23, 2010 INTERACTIVE HEALTH, LLC,  
3030 WALNUT AVENUE,  
LONG BEACH, CA 90807

**Int. Cl.: 28**

FOR: ELECTROMECHANICAL EXERCISE MACHINES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

**TRADEMARK**

**PRINCIPAL REGISTER** FIRST USE 2-1-2008; IN COMMERCE 8-1-2008.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BOARD", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A DESIGN (THE LETTERS "HI" AND "I" COMBINED TOGETHER TO FORM A CHAIR) FOLLOWED BY THE WORDS "HUMAN TOUCH" FOLLOWED BY THE WORDS "iJOY" AND "BOARD" SEPARATED BY A DESIGN LINE.

SN 77-295,349, FILED 10-3-2007.

JILL PRATER, EXAMINING ATTORNEY



*David S. Kyros*

Director of the United States Patent and Trademark Office

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

Reg. No. 3,673,657

United States Patent and Trademark Office

Registered Aug. 25, 2009

TRADEMARK  
PRINCIPAL REGISTER



HUMAN TOUCH, LLC (DELAWARE LIMITED  
LIABILITY COMPANY), FORMERLY INTER-  
ACTIVE HEALTH, LLC,  
3030 WALNUT AVENUE  
LONG BEACH, CA 90807

FOR: ELECTROMECHANICAL EXERCISE APPA-  
RATUS, NAMELY, BALANCE BOARDS, IN CLASS  
28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 4-0-2006; IN COMMERCE 8-0-2006.

THE MARK CONSISTS OF A DESIGN (THE  
LETTERS "H" AND "T" COMBINED TOGETHER  
TO FORM A CHAIR) FOLLOWED BY THE WORDS  
"HUMAN TOUCH" FOLLOWED BY THE WORDS  
"iJOY" AND "RIDE" SEPARATED BY A DESIGN  
LINE.

SN 77-295,315, FILED 10-3-2007.

JILL PRATER, EXAMINING ATTORNEY

# **EXHIBIT B**



Australian Government

IP Australia

No. 1142081

# CERTIFICATE OF REGISTRATION OF TRADE MARK

I, **Fatima Beattie, Registrar of Trade Marks** hereby certify -

that the trade mark represented on this certificate has been registered as a Trade Mark, No. 1142081 in the Register of Trade Marks for a period of ten years commencing **19 October 2006** and that **Interactive Health, LLC** a Delaware limited liability company of **3030 Walnut Avenue, Long Beach, California, 90807, UNITED STATES OF AMERICA** has been entered in the Register of Trade Marks as the owner of the trade mark.

The trade mark is registered for the following goods and/or services:

**Massagers** being goods in **class 10**

**Massage chairs** being goods in **class 20**

THE SCHEDULE

**IJOY**

Given under my hand and the seal of the  
Trade Marks Office on 24 October 2007





Office de la propriété  
intellectuelle  
du Canada

Un organisme  
d'Industrie Canada

Canadian  
Intellectual Property  
Office

An Agency of  
Industry Canada

## Marques de commerce

### Certificat d'enregistrement

**La présente atteste** que la marque de commerce identifiée dans l'extrait ci-joint, tiré du registre des marques de commerce, a été enregistrée et que ledit extrait est une copie conforme de l'inscription de son enregistrement.  
**Conformément** aux dispositions de la *Loi sur les marques de commerce*, cette marque de commerce est renouvelable tous les quinze ans à compter de la date d'enregistrement.



## Trade-marks

### Certificate of Registration

**This is to certify that** the trade-mark, identified in the attached extract from the register of trade-marks, has been registered and that the said extract is a true copy of the record of its registration.

In accordance with the provisions of the Trade-marks Act, this trade-mark is subject to renewal every 15 years from the registration date.

**iJoy**  
LIVE. PLAY. RELAX.™

Numéro d'enregistrement  
Registration Number

**TMA701,665**

Numéro de dossier  
File Number

**1281382**

Registraire des marques de commerce  
Registrar of Trade-marks  
(CIPO 106)12-06

Date d'enregistrement  
Registration Date

**26 nov/Nov 2007**

Canada







Office de la propriété  
intellectuelle  
du Canada

Un organisme  
d'Industrie Canada

Canadian  
Intellectual Property  
Office

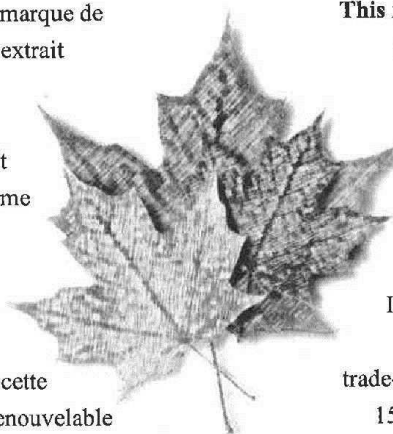
An Agency of  
Industry Canada

## Marques de commerce

### Certificat d'enregistrement

La présente atteste que la marque de commerce identifiée dans l'extrait ci-joint, tiré du registre des marques de commerce, a été enregistrée et que ledit extrait est une copie conforme de l'inscription de son enregistrement.

**Conformément** aux dispositions de la *Loi sur les marques de commerce*, cette marque de commerce est renouvelable tous les quinze ans à compter de la date d'enregistrement.



## Trade-marks

### Certificate of Registration

**This is to certify that** the trade-mark, identified in the attached extract from the register of trade-marks, has been registered and that the said extract is a true copy of the record of its registration.

In accordance with the provisions of the Trade-marks Act, this trade-mark is subject to renewal every 15 years from the registration date.

IJOY

Numéro d'enregistrement  
Registration Number

**TMA706,640**

Numéro de dossier  
File Number

**1185806**

Registraire des marques de commerce  
Registrar of Trade-marks

(CIPO 116)12-06

Date d'enregistrement  
Registration Date

**6 fév/Feb 2008**

Canada





Geregistreerd / Registered 17/11/2004

No 003285781

**BHIM – HARMONISATIEBUREAU VOOR DE INTERNE  
MARKT  
MERKEN, TEKENINGEN EN MODELLEN**

**BEWIJS VAN INSCHRIJVING**

Dit inschrijvingsbewijs wordt verstrekt voor het hierna  
vermelde Gemeenschapsmerk. De overeenstemmende  
gegevens werden in het Register van  
Gemeenschapsmerken ingeschreven.

**OHIM – OFFICE FOR HARMONIZATION IN THE  
INTERNAL MARKET  
TRADE MARKS AND DESIGNS**

**CERTIFICATE OF REGISTRATION**

This Certificate of Registration is hereby issued for the  
Community Trade Mark identified below. The  
corresponding entries have been recorded in the  
Register of Community Trade Marks.

IJOY

*De President / The President*

*Wubbo de Boer*



**BHIM – HARMONISATIEBUREAU VOOR DE INTERNE  
MARKT**  
MERKEN, TEKENINGEN EN MODELLEN

**BEWIJS VAN INSCHRIJVING**

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gegevens werden in het Register van  
Gemeenschapsmerken ingeschreven.

**OHIM – OFFICE FOR HARMONIZATION IN THE  
INTERNAL MARKET**  
TRADE MARKS AND DESIGNS

**CERTIFICATE OF REGISTRATION**

This Certificate of Registration is hereby issued for the  
Community Trade Mark identified below. The  
corresponding entries have been recorded in the  
Register of Community Trade Marks.

No 004542601

**iJoy** ride  
LIVE. PLAY. RELAX.

*De President / The President*

*Wubbo de Boer*



Geregistreerd / Registered 07/07/2006

No 004542635

**BHIM – HARMONISATIEBUREAU VOOR DE INTERNE  
MARKT  
MERKEN, TEKENINGEN EN MODELLEN**

**BEWIJS VAN INSCHRIJVING**

Dit inschrijvingsbewijs wordt verstrekt voor het hierna  
vermelde Gemeenschapsmerk. De overeenstemmende  
gegevens werden in het Register van  
Gemeenschapsmerken ingeschreven.

**OHIM – OFFICE FOR HARMONIZATION IN THE  
INTERNAL MARKET  
TRADE MARKS AND DESIGNS**

**CERTIFICATE OF REGISTRATION**

This Certificate of Registration is hereby issued for the  
Community Trade Mark identified below. The  
corresponding entries have been recorded in the  
Register of Community Trade Marks.

**iJoy** | stretch  
LIVE. PLAY. RELAX.

*De President / The President*

*Wubbo de Boer*



Geregistreerd / Registered 07/07/2006

No 004542676

**BHIM – HARMONISATIEBUREAU VOOR DE INTERNE  
MARKT  
MERKEN, TEKENINGEN EN MODELLEN**

**BEWIJS VAN INSCHRIJVING**

Dit inschrijvingsbewijs wordt verstrekt voor het hierna  
vermelde Gemeenschapsmerk. De overeenstemmende  
gegevens werden in het Register van  
Gemeenschapsmerken ingeschreven.

**OHIM – OFFICE FOR HARMONIZATION IN THE  
INTERNAL MARKET  
TRADE MARKS AND DESIGNS**

**CERTIFICATE OF REGISTRATION**

This Certificate of Registration is hereby issued for the  
Community Trade Mark identified below. The  
corresponding entries have been recorded in the  
Register of Community Trade Marks.

**iJoy** v i b e  
**LIVE. PLAY. RELAX.**

*De President / The President*

*Wubbo de Boer*



OHIM – OFFICE FOR HARMONIZATION IN THE  
INTERNAL MARKET  
TRADE MARKS AND DESIGNS

### CERTIFICATE OF REGISTRATION

This Certificate of Registration is hereby issued for the  
Community Trade Mark identified below. The  
corresponding entries have been recorded in the  
Register of Community Trade Marks.

OAMI - OFICINA DE ARMONIZACIÓN DEL  
MERCADO INTERIOR  
MARCAS, DIBUJOS Y MODELOS

### CERTIFICADO DE REGISTRO

Se expide el presente Certificado de Registro para la  
Marca Comunitaria que se identifica a continuación.  
Las menciones y las informaciones relativas a tal marca  
han sido inscritas en el Registro de Marcas  
Comunitarias.

No 004753935

**iJoy**  
LIVE. PLAY. RELAX.

The President / El Presidente

Wubbo de Boer

(190) 【発行国】 日本国特許庁 (JP)  
(450) 【発行日】 平成19年11月13日 (2007. 11. 13)  
【公報種別】 商標公報  
(111) 【登録番号】 商標登録第5083631号 (T5083631)  
(151) 【登録日】 平成19年10月12日 (2007. 10. 12)  
(541) 【登録商標 (標準文字)】 IJOY  
(500) 【商品及び役務の区分の数】 1  
(511) 【商品及び役務の区分並びに指定商品又は指定役務】  
第10類 マッサージ器, 椅子型家庭用電気マッサージ器  
【国際分類第8版】  
(210) 【出願番号】 商願2006-97438 (T2006-97438)  
(220) 【出願日】 平成18年10月19日 (2006. 10. 19)  
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【弁理士】  
【氏名又は名称】 原 隆  
【法区分】 平成13年改正  
【審査官】 飯田 亜紀  
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【検索用文字商標 (参考情報)】 IJOY  
【類似群コード (参考情報)】  
第10類 10D01、11A06